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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/882,702	06/14/2001	Stefan Ivehammar	NC38669 (NOKI12-38669)	9351
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SCHEEF & STONE, L.L.P. 5956 SHERRY LANE SUITE 1400 DALLAS, TX 75225			SHELEHEDA, JAMES R	
			ART UNIT	PAPER NUMBER
			2617	

DATE MAILED: 08/01/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/882,702

Applicant(s)

IVEHAMMAR, STEFAN

Examiner

James Sheleheda

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-27 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 6/14/01, 1/22/02.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

DETAILED ACTION

Claim Rejections - 35 USC § 101

1. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

2. Claims 23 and 24 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. Claims 23 and 24 are directed to a computer program executed by a processor. It is noted that computer programs by themselves are considered non-statutory subject matter, and must be contained within some kind of medium. For example "A computer readable medium containing a program which performs..."

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-4, 7, 12-15, 17, 23, 24 and 26 are rejected under 35 U.S.C. 102(b) as being anticipated by Macrae et al. (Macrae) (WO 98/17064 A1).

As to claim 1, Macrae discloses an apparatus (Fig. 7) for accessing a text based information service from a television programme service (accessing a web-site from a link embedded in a television signal; page 2, lines 1-12), comprising:

means for providing link information for display during the television programme service (page 8, lines 30-37 and page 9, lines 28-34), the link information being associated with a selected page of the text based information service (associated with a particular internet site; page 8, lines 30-37 and page 9, lines 17-19);

means for receiving a page independent acceptance signal (microprocessor, 24) from a display controller (user choosing to access the site; page 9, line 35-page 10, line 3); and

means for providing the selected page for display (page 9, line 35-page 10, line 3 and page 8, lines 14-19) in response to the acceptance signal (page 9, line 35-page 10, line 3).

As to claim 2, Macrae discloses wherein the acceptance signal corresponds to a set of keystrokes on the display controller (page 9, line 35-page 10, line 3).

As to claim 3, Macrae discloses wherein the keystroke set comprises less than four keystrokes (user just pressed one button; page 9, line 35-page 10, line 3).

As to claim 4, Macrae discloses wherein the keystroke set comprises a single keystroke (user just pressed one button; page 9, line 35-page 10, line 3).

As to claim 7, Macrae discloses means (VBI decoder, 72) for distinguishing link information from information which does not comprise a link to the text based information service (separating the link from the VBI; page 9, lines 8-16).

As to claim 12, Macrae discloses method of accessing a text based information service from a television programme service (accessing a web-site from a link embedded in a television signal; page 2, lines 1-12) via a television receiver (Fig. 7), comprising the steps of:

providing link information associated with a selected page of the text based information service (associated with a particular internet site; page 8, lines 30-37 and page 9, lines 17-19) for display during the television programme service (page 8, lines 30-37 and page 9, lines 28-34);

receiving a page independent acceptance signal (microprocessor, 24) from a display controller (user choosing to access the site; page 9, line 35-page 10, line 3); and

providing the selected page for display (page 9, line 35-page 10, line 3 and page 8, lines 14-19) in response to the acceptance signal (page 9, line 35-page 10, line 3).

As to claim 13, Macrae discloses wherein the acceptance signal corresponds to a set of keystrokes on the display controller (page 9, line 35-page 10, line 3).

As to claim 14, Macrae discloses wherein the keystroke set comprises less than four keystrokes (user just pressed one button; page 9, line 35-page 10, line 3).

As to claim 15, Macrae discloses wherein the keystroke set comprises a single keystroke (user just pressed one button; page 9, line 35-page 10, line 3).

As to claim 17, Macrae discloses highlighting the link information to be displayed (prominently displayed an icon indicating to the user the presence of the link information; see Fig. 2).

As to claim 23, Macrae discloses a program to be executed by a processor (processor, 24; page 4, lines 10-15) to enable access to a text based information service from a television programme service (accessing a web-site from a link embedded in a television signal; page 2, lines 1-12), in which link information associated with a selected page of the text based information service (associated with a particular internet site; page 8, lines 30-37 and page 9, lines 17-19) is displayed concurrently with a television programme image (page 8, lines 30-37 and page 9, lines 28-34), wherein the program, when executed by the processor, implements the steps of receiving a page independent acceptance signal from a display controller (user choosing to access the site; page 9, line 35-page 10, line 3) and providing the selected page for display (page 9, line 35-page 10, line 3 and page 8, lines 14-19) in response to the acceptance signal (page 9, line 35-page 10, line 3).

As to claim 24, Macrae discloses a program including program code (operating program controlling the system; page 4, lines 10-15) for performing the steps of claim 12 (as indicated in the rejection of claim 12) when the program is run by a processor (processor, 24).

As to claim 26, Macrae discloses an apparatus (Fig. 7) for accessing a text based information service from a television programme service (accessing a web-site from a link embedded in a television signal; page 2, lines 1-12), the apparatus being operable to:

(a) provide link information for display during the television programme service (page 8, lines 30-37 and page 9, lines 28-34), the link information being associated with a selected page of the text based information service (associated with a particular internet site; page 8, lines 30-37 and page 9, lines 17-19);

(b) receive a page independent acceptance signal from a display controller (user choosing to access the site; page 9, line 35-page 10, line 3); and

(c) provide the selected page for display (page 9, line 35-page 10, line 3 and page 8, lines 14-19) in response to the acceptance signal (page 9, line 35-page 10, line 3).

Claim Rejections - 35 USC § 103

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5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 10, 11, 18 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Macrae.

As to claim 10, while Macrae discloses a text based information service, he fails to specifically disclose teletext.

The Examiner takes Official Notice that it was notoriously well known in the art at the time of invention by applicant for a television system to utilize the established method of teletext, comprising pages of information associated with broadcast program, for the typical benefit of utilizing a well-known established method of providing additional information about a broadcast program.

It would have been obvious to one of ordinary skill in the art at the time of invention by applicant to modify Macrae's system to include teletext for the typical benefit of utilizing a well-known established method of providing additional information about a broadcast program.

As to claim 11, while Macrae discloses a television programme service, he fails to specifically disclose the digital video broadcasting standard.

The Examiner takes Official Notice that it was notoriously well known in the art at the time of invention by applicant for a television system to utilize the digital video

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broadcasting standard, created by an industry-led consortium of over 270 broadcasters, manufacturers, network operators, software developers, regulatory bodies and others in over 35 countries committed to designing global standards for the global delivery of digital television and data services, for the typical benefit of conforming with a widely accepted television broadcasting standard.

It would have been obvious to one of ordinary skill in the art at the time of invention by applicant to modify Macrae's system to include the digital video broadcasting standard for the typical benefit of utilizing a well-known established method of providing additional information about a broadcast program.

As to claim 18, while Macrae discloses highlighting the link information to be displayed, he fails to specifically disclose causing the link information to flash periodically when displayed.

The Examiner takes Official Notice that it was notoriously well known in the art at the time of invention by applicant to cause displayed information to flash or "blink", thereby grabbing the viewer's attention, for the typical benefit of ensuring that a viewer will easily notice the displayed information.

It would have been obvious to one of ordinary skill in the art at the time of invention by applicant to modify Macrae's system to include causing the link information to flash periodically when displayed for the typical benefit of ensuring that a viewer will easily notice the displayed information.

As to claim 19, while Macrae discloses link information (web page URL), he fails to specifically disclose wherein the link information comprises a page number.

The Examiner takes Official Notice that it was notoriously well known in the art at the time of invention by applicant for a web site's URL to include a page number, such as when a particular web-site is made up of a plurality of different pages, for the typical benefit of distinguishing between multiple pages on a website.

It would have been obvious to one of ordinary skill in the art at the time of invention by applicant to modify Macrae's system to include wherein the link information comprises a page number for the typical benefit of distinguishing between multiple pages on a website.

7. Claims 5, 6, 8, 16, 20, 21, 25 and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Macrae and further in view of Bendinelli et al. (Bendinelli) (6,061,719).

As to claim 5, while Macrae discloses wherein said link information providing means includes means for inserting the link information (page 4, lines 36-38), he fails to specifically disclose inserting the link information into a subtitle line.

In an analogous art, Bendinelli discloses a television distribution system (Fig. 3) which transmits television programming to a user (Fig. 3; column 5, lines 7-17) and link information (URL's) which are embedded into the television closed captioning (column 3, lines 36-53 and column 5, lines 7-17) for the typical benefit of allowing link

information to be received and displayed through a typical television closed captioning line (column 3, lines 36-53).

It would have been obvious to one of ordinary skill in the art at the time of invention by applicant to modify Macrae's system to include inserting the link information into a subtitle line, as taught by Bendinelli, for the typical benefit of allowing link information to be received and displayed through a typical television closed captioning line.

As to claim 6, Macrae and Bendinelli disclose means for highlighting the link information (prominently displayed an icon indicating to the user the presence of the link information; see Macrae at Fig. 2).

As to claim 16, while Macrae discloses providing the link information, he fails to specifically disclose providing the link information for display as a subtitle during the television programme service.

In an analogous art, Bendinelli discloses a television distribution system (Fig. 3) which transmits television programming to a user (Fig. 3; column 5, lines 7-17) and link information (URL's) which are embedded into the television closed captioning (column 3, lines 36-53 and column 5, lines 7-17) and then displayed during the television program as normal closed captioning text (column 3, lines 36-53) for the typical benefit of allowing link information to be received and displayed through a typical television closed caption line (column 3, lines 36-53).

It would have been obvious to one of ordinary skill in the art at the time of invention by applicant to modify Macrae's system to include inserting the link information into a subtitle line, as taught by Bendinelli, for the typical benefit of allowing link information to be received and displayed through a typical television closed caption line.

As to claims 8 and 20, while Macrae disclose link information comprising a link to the text based information service, he fails to specifically disclose an identification tag for distinguishing the link information from information which does not comprise a link.

In an analogous art, Bendinelli discloses a television distribution system (Fig. 3) which transmits television programming to a user (Fig. 3; column 5, lines 7-17) and link information (URL's) which are embedded into the television closed captioning (column 3, lines 36-53 and column 5, lines 7-17) and then displayed during the television program as normal closed captioning text (column 3, lines 36-53) wherein the link information includes identifying tags (brackets or other characters; column 3, lines 37-42) which is recognized to identify link (column 3, lines 37-42) for the typical benefit of allowing link information to be easily identified and utilized by the receiver (column 3, lines 36-53).

It would have been obvious to one of ordinary skill in the art at the time of invention by applicant to modify Macrae's system to include an identification tag for distinguishing the link information from information which does not comprise a link, as

taught by Bendinelli, for the typical benefit of allowing link information to be easily identified and utilized by the receiver.

As to claim 21, Macrae and Bendinelli disclose wherein the tag comprises a non-display character (wherein the characters simply occur before and after the displayed URL to identify it; column 3, lines 36-42).

As to claim 25, while Macrae discloses an apparatus (see Fig. 7) for providing a text based information service to a television receiver (accessing a web-site from a link embedded in a television signal; page 2, lines 1-12), comprising:

means for providing link information for display during the television programme service (page 8, lines 30-37 and page 9, lines 28-34), the link information being associated with a page identifier which identifies a selected page of the text based information service (associated with a particular internet site; page 8, lines 30-37 and page 9, lines 17-19), he fails to specifically disclose means for tagging the link information to indicate to the receiver that information received by it includes the link information.

In an analogous art, Bendinelli discloses a television distribution system (Fig. 3) which transmits television programming to a user (Fig. 3; column 5, lines 7-17) and link information (URL's) which are embedded into the television closed captioning (column 3, lines 36-53 and column 5, lines 7-17) and then displayed during the television program as normal closed captioning text (column 3, lines 36-53) wherein the link

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information is tagged (with brackets or other characters; column 3, lines 37-42) to identify the links to the receiver (column 3, lines 37-42) for the typical benefit of allowing link information to be easily identified and utilized by the receiver (column 3, lines 36-53).

It would have been obvious to one of ordinary skill in the art at the time of invention by applicant to modify Macrae's system to include means for tagging the link information to indicate to the receiver that information received by it includes the link information, as taught by Bendinelli, for the typical benefit of allowing link information to be easily identified and utilized by the receiver.

As to claim 27, while Macrae discloses an apparatus (see Fig. 7) for providing a text based information service to a television receiver (accessing a web-site from a link embedded in a television signal; page 2, lines 1-12), comprising a processing module (inherently present at the television station to control the output of the signal; Fig. 7) operable to provide link information for display during a television programme service (page 8, lines 30-37 and page 9, lines 28-34), the link information being associated with a page identifier which identifies a selected page of the text based information service (associated with a particular internet site; page 8, lines 30-37 and page 9, lines 17-19), he fails to specifically disclose tagging the link information to indicate to the receiver that information received by it includes the link information.

In an analogous art, Bendinelli discloses a television distribution system (Fig. 3) which transmits television programming to a user (Fig. 3; column 5, lines 7-17) and link

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information (URL's) which are embedded into the television closed captioning (column 3, lines 36-53 and column 5, lines 7-17) and then displayed during the television program as normal closed captioning text (column 3, lines 36-53) wherein the link information is tagged (with brackets or other characters; column 3, lines 37-42) to identify the links to the receiver (column 3, lines 37-42) for the typical benefit of allowing link information to be easily identified and utilized by the receiver (column 3, lines 36-53).

It would have been obvious to one of ordinary skill in the art at the time of invention by applicant to modify Macrae's system to include tagging the link information to indicate to the receiver that information received by it includes the link information, as taught by Bendinelli, for the typical benefit of allowing link information to be easily identified and utilized by the receiver.

8. Claims 9 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Macrae and Bendinelli as applied to claims 1 and 12 above, and further in view of LaJoie et al. (LaJoie) (5,850,218).

As to claim 9, while Macrae and Bendinelli disclose wherein responsive to detection of a tag the link information is displayed (column 3, lines 36-53), they fail to specifically disclose displaying the information irrespective of predetermined display preferences.

In an analogous art, LaJoie discloses a full service cable system (Fig. 1) incorporating message transmission over the cable network (column 33, lines 31-36)

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wherein if a user has their set top and television turned off (column 33, lines 50-54) the received information is configured to include a command to force a set top terminal and television to turn on (column 33, lines 47-50) for the advantage of alerting subscribers to important information even when they are not actively watching their televisions (column 33, lines 50-54).

Consequently, it would have been obvious to one of ordinary skill in the art at the time of invention by applicant to modify Macrae and Bendinelli's system to include displaying the information irrespective of predetermined display preferences, as taught by LaJoie, for the advantage of alerting subscribers to important information when they are not actively watching television.

As to claim 22, while Macrae and Bendinelli disclose displaying a subtitle line which includes tagged link information (column 3, lines 36-53), they fail to specifically disclose displaying the information irrespective of viewer preferences.

In an analogous art, LaJoie discloses a full service cable system (Fig. 1) incorporating message transmission over the cable network (column 33, lines 31-36) wherein if a user has their set top and television turned off (column 33, lines 50-54) the received information is configured to include a command to force a set top terminal and television to turn on (column 33, lines 47-50) for the advantage of alerting subscribers to important information even when they are not actively watching their televisions (column 33, lines 50-54).

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Consequently, it would have been obvious to one of ordinary skill in the art at the time of invention by applicant to modify Macrae and Bendinelli's system to include displaying the information irrespective of viewer preferences, as taught by LaJoie, for the advantage of alerting subscribers to important information when they are not actively watching television.

Conclusion

9. The following are suggested formats for either a Certificate of Mailing or Certificate of Transmission under 37 CFR 1.8(a). The certification may be included with all correspondence concerning this application or proceeding to establish a date of mailing or transmission under 37 CFR 1.8(a). Proper use of this procedure will result in such communication being considered as timely if the established date is within the required period for reply. The Certificate should be signed by the individual actually depositing or transmitting the correspondence or by an individual who, upon information and belief, expects the correspondence to be mailed or transmitted in the normal course of business by another no later than the date indicated.

Certificate of Mailing

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Certificate of Transmission

I hereby certify that this correspondence is being facsimile transmitted to the United States Patent and Trademark Office, Fax No. (703)_____ - _____ on _____.
(Date)

Typed or printed name of person signing this certificate:

Signature: _____

Registration Number: _____

Please refer to 37 CFR 1.6(d) and 1.8(a)(2) for filing limitations concerning facsimile transmissions and mailing, respectively.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to James Sheleheda whose telephone number is (571) 272-7357. The examiner can normally be reached on 9:00-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Kelley can be reached on (571) 272-7331. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.


Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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James Sheleheda
Patent Examiner
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JS



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